

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3927

IN THE MATTER OF:

Served April 22, 1992

Application of VESTA, INC., for a )  
Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-92-05

By application accepted for filing February 21, 1992, Vesta, Inc. (Vesta or applicant), seeks a Certificate of Authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Notice of this application was served on February 26, 1992, in Order No. 3894, and Vesta was directed to publish further notice in a newspaper and file an affidavit of publication. Vesta complied. This application is unopposed.

SUMMARY OF EVIDENCE

Vesta proposes to initiate operations using ten owned vehicles having a manufacturer-designed seating capacity of less than 16 persons each, including the driver. Vesta proposes to provide transportation for its daytime rehabilitation service clients pursuant to a contract with the Maryland Department of Health and Mental Hygiene. Vesta's proposed tariff contains a per capita mileage rate.

Vesta's application, which is incorporated herein by reference, includes information regarding, among other things, its corporate status, facilities, vehicle maintenance arrangements, driver training practices, proposed tariff, finances, and regulatory compliance record.

Vesta's Controller certifies on its behalf that the applicant has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire.

Applicant filed a balance sheet as of December 31, 1991, showing total current assets of \$727,120; net fixed assets of \$493,197; total other assets of \$38,361; total liabilities of \$425,000; and total equity of \$833,678. Vesta's operating statement for the twelve months ended December 31, 1991, shows total operating income of \$3,639,000; and total operating expenses of \$3,605,809. Vesta's projected operating statement for its Transportation Department for the first twelve months of WMATC operations shows WMATC operating income of \$39,000; other operating income of \$2,000; total operating expenses of \$118,759; and a subsidy from the State of Maryland in the amount of \$77,759.

It is certified that neither Vesta nor any person controlling, controlled by, or under common control with Vesta has any control relationship with a carrier other than Vesta.

#### DISCUSSION AND CONCLUSION

This case is governed by the Compact, Title II, Article XI, Section 7(a) which provides in relevant part that:

the Commission shall issue a certificate to any qualified applicant, . . . if it finds that --

- (i) the applicant is fit, willing, and able to perform [the] transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and
- (ii) that the transportation is consistent with the public interest.

Based on the evidence in this record, the Commission finds Vesta to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. It is further found that the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

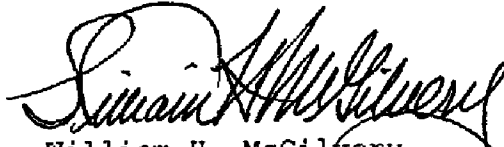
1. That Vesta, Inc., 2340 University Boulevard East, Adelphi, MD 20783, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

2. That Vesta, Inc., is hereby directed to file the following documents with the Commission within 30 days of the date of this order, or such additional time as the Commission may direct or allow: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) four copies of a tariff or tariffs in accordance with Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; and (e) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 205 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 205 shall be issued to Vesta, Inc.

4. That unless Vesta, Inc., complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:



William H. McGilvery  
Executive Director